IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 3043 of 2002

Between:

B.Ravibabu S/o B.Kondaiah, Ex.Councillor, R/o 2/609 Nagarajpet
Cuddapah Dist Cuddapah.

..... PETITIONER

AND

1 Principal Secretary, Government of Municipal Administration and Urban Development, Secretariat Hyderabad.
2 Commissioner and Director of Municipal Administration Department, Hyderabad
3 Dist Collector, Cuddapah Dist, Cuddapah
4 The Chairperson, Md.Ahmadulla, Cuddapah Municipality, Cuddapah Dist, Cuddapah

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ particularly one in the nature of writ of mandamus declaring the action of the respondents in not taking any action against the 4th respondent is wholly illegal, arbitrary and unjust and contrary to law and also violative of Art.14 and 21 of the constitution of India and consequently direct the respondents to take immediate action against the 4th respondent herein who is the chairperson of the Municipal Council Cuddapah Municipality, Cuddapah Dist and

also disqualify him as a chairperson and to seize the entire office including the minute book and other records of the Municipality.

Counsel for the Petitioner:MS.B.MALLESWARI

Counsel for the Respondents1 to 3: GP FOR MUNICIPAL ADMINISTRATION

Counsel for the Respondent No.4: MR.K.M.MAHENDER REDDY (NOT PRESENT)

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

Petition was filed by an Ex-Councillor of Cuddapah making allegations against Respondent No.4 and then seeking direction against Respondents 1 to 3 to take appropriate action to disqualify the 4th respondent as Chairperson of Cuddapah Municipality.

On petition being filed, Rule Nisi was issued on 20.2.2002. Interim relief though prayed, was not granted. Respondent No.4 could not be served. The other respondents are duly served, but, have not filed their counter affidavits.

Considering the facts and circumstances of the case, we dispose of the writ petition with a direction to the respondents 1 and 2 to treat the writ petition itself as a representation and take appropriate action as they may deem fit and proper in accordance with law within a period of three months from the date of receipt of this Writ Order. No costs.

_____

DEVINDER GUPTA, CJ

Date: 6th December, 2004

_____

M. NARAYANA REDDY, J

pnb

-

-

-

-

-

-

-

-

-

-

-

-

-

To

1. The Principal Secretary, Government of Municipal Administration and Urban Development, Secretariat Hyderabad.

2. The Commissioner and Director of Municipal Administration Department, Hyderabad

3. The Dist Collector, Cuddapah Dist, Cuddapah.

4. Two C.Cs. to the Government Pleader for Municipal Administration, High Court of A.P., Hyderabad. (OUT)

5 Two C.D. copies.